

### **REMARKS**

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-3, 7, 9-23 and 35, the only claims pending and currently under examination in this application.

Claim 1 has been amended to incorporate the limitation of Claim 7, and Claim 7 has been correspondingly canceled. In addition, the object to term about in Claims 1, 14, 23, 10, 11, 19 and 20 has been removed. Furthermore, Claim 8 has been modified to clarify the claim language and Claim 9 has been canceled. As the above amendments introduce no new matter to the application, their entry by the Examiner is respectfully requested.

The Examiner has requested that the status of the copending applications listed on pages 18 and 19 of the application be updated. This has been done in the above amendment to the specification.

Claims 1-3, 7-23 and 35 have been rejected under 35 U.S.C. § 112, second paragraph for asserted indefiniteness with respect to various terms appearing in the claims. Solely in order to expedite prosecution of the present application to issuance, the terms recited by the Examiner have been removed. As such, it is believed that this rejection may be withdrawn.

It should be noted that in making the above amendments, the Applicants are in no way agreeing with the position of the Examiner and expressly reserve the right to pursue claims of the preamended wording in a continuation application. As such, no inference should be drawn from the above amendments that the Applicants agree that the claims must be so amended to be patentable.

Claims 1-3 and 10-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Barany et al. All of the claims now include the limitation of previously pending Claim 7, not included in this rejection, such that the probes are covalently bound to the substrate surface. Accordingly, this rejection may be withdrawn.

Finally, Claim 35 has been rejected under 35 U.S.C. § 103 (a) over Barany in view of the Stratagene catalog. As the Stratagene catalog has been cited solely for the idea of placing a reagent in a kit, it fails to make up the above-discussed deficiency in Barany. Accordingly, this rejection may be withdrawn.

## CONCLUSION

In view of the above remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

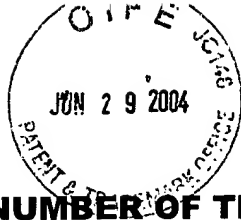
Date: June 29, 2004

By: 

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**DATE: June 29, 2004**



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**EXPRESS MAIL CERTIFICATION**

Date of Deposit: **06/29/2004** I hereby certify that the below-listed papers or fees were inserted into a package addressed to: Commissioner for Patents, PO BOX 1450, Alexandria, Virginia 22313-1450 and was deposited by me with the United States Postal Service "Express Mail Post Office Addressee" service under 37 C.F.R. § 1.10 on the date indicated above.

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*Stuart McLeish*

Date

*6/29/04*

Atty. Docket No.	Serial Number	Description	Atty.	Fee
CLON-015	09/440,829	Transmittal, Amendment	BEF	
BIOT-005CON	10/684,151	Transmittal, Preliminary Amendment	SCT	
BERK-017	10/136,860	Transmittal, Fee Transmittal <i>in duplicate</i> , Amendment w/Seqlist Certification, Exhibit 1, Paper Copy of Seqlist, (1) Replacement Disk w/Seqlist in CRF, (1) Sheets of Figures (3 Month Extension of Time Requested)	BEF	\$475